

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

STEPHEN ALAN KELLOGG,

Plaintiff,

v.

WESTERN STATE HOSPITAL, *et al*,

Defendants.

Case No. C05-5268RJB

ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the court on plaintiff's filing of an application to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. To file a complaint and initiate legal proceedings plaintiff must pay a filing fee of \$250.00 or file a proper application to proceed *in forma pauperis*.

On April 13, 2005, the clerk received plaintiff's complaint and application to proceed *in forma pauperis*. (Dkt. #1). Local Rule CR 3(b) provides in relevant part:

At the time application is made under 28 U.S.C. § 1915 or other applicable acts of Congress, for leave to commence any civil action or to file any petition or motion without being required to prepay fees and costs or give security for them, each petitioner, movant or plaintiff shall:

- (1) Complete the in forma pauperis affidavit approved for use in this district; and
- (2) File a written consent that the recovery, if any, in the action, to such amount as the court may direct, shall be paid to the clerk who may pay therefrom all unpaid fees and costs taxed against the plaintiff, and to his attorney the amount which the court allows or approves as compensation for the attorney's services.

1 Plaintiff, however, has not submitted the written consent required by Local Rule CR 3(b)(2).


2 Accordingly, this court orders the following:

- 3 (1) Plaintiff shall seek to cure these deficiencies by filing **no later than June 9, 2005**, a copy of  
4 the written consent required by Local Rule CR 3(b).

5 **Failure to cure this deficiency by the above date shall be deemed a failure to properly**  
6 **prosecute this matter and the court will recommend dismissal of this matter.**

- 7 (2) The clerk is directed to send a copy of this Order to plaintiff along with the appropriate  
8 written consent form.

9 DATED this 9th day of May, 2005.

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12 Karen L. Strombom  
13 United States Magistrate Judge  
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